

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS

PAINTERS & ALLIED TRADES
DISTRICT COUNCIL NO. 35 HEALTH,
AND WELFARE, PENSION AND
ANNUITY FUNDS

Plaintiff,

v.

FIRST KOSTAS CORP.

Defendant

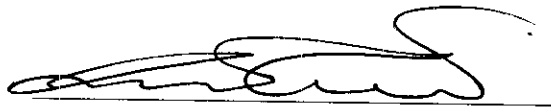
C.A. No. 1:04-cv-10087-DPW

**NOTICE OF DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41**

Now comes the Plaintiff, Painters and Allied Trades District Council No. 35 Health and Welfare, Pension and Annuity Funds, to notify this Court that it wishes to dismiss the above-captioned action without prejudice and with each party to bear its own costs pursuant to F.R.C.P. 41(a)(1)(i), as the Defendant has neither filed an answer nor a motion for summary judgment.

Dated: August 10, 2004

Respectfully submitted,
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